

04/17/2007

1087514 - R8 SDMS



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04/17/2007 10:40 AM

To Joyce Ackerman/EPR/R8/USEPA/US@EPA  
cc "Brent Everett" <BEVERETT@utah.gov>, "Bowen Call iv"  
<BOCALL@utah.gov>, "Bill Rees" <BREES@utah.gov>,  
"Brad Johnson" <BTJOHNSON@utah.gov>, "Craig Barnitz"  
bcc

Subject Comments to "Reasonable Steps" Ltr

Joyce,

Please see the attached document for comments to your draft "reasonable steps" letter (via 4/12/07 email) to the prospective purchaser of the La Quinta property. I compiled the comments from those received from several reviewers here at UDEQ. Please let me know if you have any questions.

Hopefully the comments will also have utility as you draft ICs for the Utah Power parcel adjacent to the La Quinta property.

As you and I discussed this morning, we ask that you hold-off sending the letter to the BFPP until attempts are made to get Dianne Nielson and Carol Rushin together to discuss the status of this site on a yet-to-be-scheduled conference call. It could be late this week or even early next week before we can facilitate the call. I'll keep you posted.

Thanks again for the opportunity to comment on your draft letter.



Bob Vermiculite reasonable steps.doc

4/17/07

UDEQ comments to EPA's draft "Reasonable Steps" BFPP letter (received 4/12/07 via email)

Specific Comments:

1. Page 1, first paragraph: The site should be carefully defined so it is clear to what areas the reasonable steps apply (e.g., the parking lot, parking lot and other buildings, etc). Also, require the BFPP to include a site map of the subject property indicating these areas.
2. Page 1, second paragraph, second sentence: Clarify that the BFPP has denied access to adjacent properties during **past** phases of the Intermountain Vermiculite project, and that doing so in the future may limit or eliminate the BFPP's protection under CERCLA.
3. Page 1, fourth paragraph: Add a definition of the "cap".
4. Page 2, "reasonable steps": Add a reasonable step requiring the BFPP to provide necessary access to EPA and UDEQ, e.g., access for the agencies to inspect the integrity of the cap, inspect construction activities, etc.
5. Page 2, "reasonable steps": Add a reasonable step requiring the BFPP to maintain the cap in a condition that prevents the release of LA from beneath the cap. This requirement is partially addressed on page 1, paragraph 4, but should also be detailed as a "reasonable step".
6. Page 2, reasonable steps #1, first and second sentences: Sentence #1 change to read "The property owner must notify the Utah Department of Environmental Quality (UDEQ) **and EPA** in advance ...", and sentence #2, change to read "The property owner must submit a written work plan to UDEQ **and EPA**."
7. Page 2, reasonable steps #1, end of the paragraph: Add a sentence that requires the property owner to reimburse UDEQ for all appropriate future costs associated with document review, inspection activities, etc.
8. Page 2, reasonable steps #2, end of first paragraph: Add a sentence requiring the notification of the Utah Division of Air Quality, Asbestos Program of any asbestos related work practices.
9. Page 2, reasonable steps #2, second paragraph, last sentence: Change to read "Therefore, work practices and engineering controls may need to be implemented during the **any** proposed project beyond what the existing federal and state regulations require.
10. Page 3, reasonable steps #4, second sentence: Change the sentence to read "**The Any** workplan for ~~the~~ a proposed project should describe how this will be accomplished..."

11. Page 3, reasonable step #5: Change the paragraph to read “The workplan should describe decontamination procedures **and adequately delineate workzones and decontamination zones** for the proposed project. Decontamination must be considered for workers, equipment, vehicles, or any other thing that **enters into** ~~becomes contaminated with LA in the work zone.~~ **The workplan should also address the collection and disposal of decontamination water.**
12. Page 3, reasonable steps #6, second and third sentences: Change the sentences to read “Any activity that ~~will~~ **may possibly** disturb the LA that remains underneath the cap must not be allowed to re-contaminate the ground surface or nearby buildings. Procedures must be established and described in the workplan for **preventing emissions from** ~~containing~~ any LA-contaminated soils as they are excavated ~~and preventing emissions~~ **and transported for disposal.**
13. Page 3, reasonable steps: Add a reasonable step that requires the BFPP to submit the site to institutional controls under the Utah Uniform Environmental Covenants Act, section 57-25-101 et. seq. Utah Code Ann. (UECA).